

# Literary Cabinet.

---

Si non tantus fructus perciperetur ex his studiis, quantum percipi constat,  
sed ex his delectatio sola peteretur; tamen hæc animi remissio judicanda  
esset libero homine dignissima.

CICERO.

---

VOL. I.] YALE COLLEGE, SATURDAY, DEC. 27, 1806. [No. 4.

---

## CONDITIONS.

- I. THIS Paper will be under the direction of Editors, chosen from the Senior Class.
- II. It will be published once a fortnight, on a half sheet, in the octavo form.
- III. Its price will be *One Dollar* per annum—*Fifty Cents* to be paid in advance.
- IV. Persons not living in this city must pay the whole subscription *in advance*.

---

### *The Essayist—No. 2.*

THE speculations of Youth, are often regarded, by men of ripe years, as the infallible indication of pedantry, and the result of ambition, not moderated by experience. I may, therefore, in pursuing my present design, expose myself to the animadversion of those, whose age denotes maturity of judgment, and a superior claim to public confidence; but I shall, at least, enjoy the satisfaction of giving vent to my own feelings, though they may not be congenial to those of others.

To an amateur of MUSIC, every thing is pleasing which can add dignity to the science, or attach honour to the profession.— But to the vulgar, whose taste is unrefined, and whose decisions are as arbitrary as their manners are uncouth, it is a matter of equal indifference, whether music be susceptible of philosophical investigation, or whether its principles can be understood by mere intuition. If

ignorance can be admitted as an apology, such men are comparatively excusable for their vulgarity of sentiment. It is a lamentable truth, that many of our *literary* characters would be far less pleased with the demonstration that music is a science, to which the principles of mathematics and acoustics may be applied, than with the story, that the Egyptian Hermes derived his first idea of a lyre, from a tortoise shell, strung with the transverse sinews of the animal; and from which musical tunes were produced, as he accidentally stumbled over it: But D'Alambert and Rousseau devoted those hours, which others spent in hearing legendary tales, to philosophical research, and thus reduced music to a refined and perfect science.

A finished education embraces a knowledge of the seven liberal sciences, of which music is one. But how defective must that system be, in which mathematics are

regarded as a science of no practical advantage, and beneath the investigation of a philosopher! I do not say that music, although a distinct branch of mathematics, is entitled to the same regard as geometry or astronomy; yet I am warranted in asserting, that speculative music possesses great efficacy in strengthening the mind, and enlarging its powers of discrimination. Metaphysicians have acknowledged that the science of musical tones, is very abstruse; and they have accordingly, in examining it, manifested that caution, which so intricate a subject demands.

Harmony is comparatively a recent invention. That ingenuity which was anciently directed to the improvement of the succession of simple tones, is now principally employed in contemplating the effects, arising from a combination of different sounds.— And, since the attention of authors has been directed to counterpoint, or music in parts, the subject has become doubly interesting. To produce a desirable effect, the musician must avail himself of something more than a knowledge of intervals and concords. He must estimate the power of harmony, not by the rapidity of its movement, or the sweetness of coincident sounds; but by a varied succession of concords, intermingled with such dissonances as the skilful proficient can alone discover and execute. How desirable is it not, therefore, that music should receive the patronage and investigation of literary characters? The science itself would improve in proportion to the skill of its votaries. Although the student of the University does not desire to become a practitioner; and although it may be be-

yond the power of music to awaken his feelings, or elevate his fancy; it must be a satisfaction, as well as an accomplishment, to understand the principles of that art, which improves the mind of the philosopher and enraptures the soul of the peasant. It is to be hoped that every science, which adorns the Universities of the Eastern Continent, will, ere long, grace the walls of Yale; and that her sons may merit and receive those degrees in music, which it has hitherto been the exclusive prerogative of Europe to bestow.

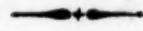
The above remarks are not designed to support the proposition, that music is the peculiar privilege of literary characters. As a subject of *useful speculation*, it recommends itself chiefly to the attentive researches of the philosopher; but as a *practical science*, and as a prolific source of amusement, it is equally accessible to all ranks of men. It is the vehicle of sensibility and lively emotion. Sometimes it causes the tear of sympathy to flow; inspires a pleasing melancholy: or awakens the ardour of devotion. Sometimes it brightens the countenance, exhilarates the spirits, and gives wings to poetic fancy. By the pipe of the herdsman, the flocks are soothed; and hard is the heart of that man, whose animosity does not immediately subside, when his ears are saluted by the majestic sounds of the oratorio.

Music needs not the adventitious aid of instruments to produce its finest effects. The most perfect organs of sound, are those of the human voice. Do we desire the full and soft tones of the flute? Listen to Emilia. The flexibility of her voice, her melodious expression, and her tremulous grave-notes, incomparably sur-

pass the artificial swells of the flute. Have we not, in our social circles, experienced those refined and delicate sensations, which her voice only can excite?

We have great reason to regret, that in fashionable companies, music is not more frequently substituted for the vacuity of conversation, which so often alloys the pleasure of social intercourse; and sometimes for that incongruous mixture of flattery and laughter, which are many times carried to such lengths. How amply would that politeness which customarily gives place to the remarks of the ladies, be requited, by a song from the full-toned organs of the female? Or rather, how much happier would be the united effects of counterpoint, performed by the joint coincidence of male and female voices?

It would, unquestionably, be deemed an impertinent assumption of self-importance, for one person to recommend an additional science to the attention of the learned; and, perhaps it might be thought equally arrogant to propose a substitute for any employment of ladies and gentlemen, assembled for amusement. To avoid, therefore, the appearance of ostentation, and to escape the censure of those who are *arbitrarily* learned, and *rigidly* fashionable, I lay before my readers these remarks, in the character of private opinions.



### *On the Profession of Law.*

#### No. III.

BUT let me grant, for a moment, that we had the best of Courts, how should business be conducted without Lawyers?— Suppose a man receives an injury, what shall he do to obtain sat-

isfaction? Who shall inform him whether the law furnishes redress, and what it is, and how it is to be procured? To suppose that every man shall know the law applicable to every case in which he may be engaged, is not less ridiculous than to believe that every man may become a Sydenham or a Boorhaave by culling Indian simples, and learning the virtue of herb-drinks from old women.— The injured man must go, then, to one of these good judges whom we have supposed, and tell him his story, and get advice; or he must give up all hopes of legal satisfaction, and lose his money, his farm, or his limbs, and think himself fortunate that he has escaped with life. The man who did the wrong, would, at the same time, endeavour to fortify himself by making his statement to the same judge, or some other, and would try to learn the means of defence. Those who constitute the courts would come to the trial with their ears stunned by the complaints and vociferations of the suitors, and their minds predetermined by accounts derived from the most corrupt of all sources, the mouths of the parties. Who should tell the injured what they must prove, and what would be admitted as evidence? And when the witnesses came into court, how should they be prevented from telling a multitude of matters not to the purpose; and how should it be known whether they had declared all that was material? If the judges took an active part in examining witnesses, how should they escape the charge of partiality from one side or the other? And, indeed, how could the judges examine them to purpose, unless they were previously informed what it was expected they would

prove, where they were when the transaction concerning which they testify, took place, what is their character, and a thousand other things which a court never ought to know before the trial, and which no court could have time to know. That the parties, generally speaking, could never manage a cause, I will not insult my readers by stopping to shew.— Those who are ignorant of this, know nothing of the subject. In short, if those who bring suits at law could get nobody to assist in conducting them, our ministers of justice would degenerate into Spanish corregidores, or Turkish cadis; for the people would never submit to such miserable dilatory proceedings as those I have described. We should have magistrates with a few armed soldiers at their command; men who make summary decisions only, and who hastily order a man to be imprisoned or bastinadoed as caprice, or pique, or bribes shall happen to influence them. That legal proceedings may be conducted with any sort of order, decency, and expedition, it is absolutely indispensable that there should be a class of men whose profession and employment it is, to manage the business of litigation from the first process to the ultimate decision. Thus lawyers necessarily exist, wherever there is any thing like a free distribution of civil justice.

Let it be considered also, that individuals have a right to employ others in the management of *any* of their concerns, unless some obvious detriment to the community would follow; how much more, then, ought they to be permitted to use this right, in matters the most difficult and intricate that exist in civilized society. No

complaint is heard, that merchants transact much of their business by the assistance of factors, agents, and brokers; nor, if men were equally liberal in every case, would there be any complaint, that a class of men should conduct disputes at law, when the discharge of their professional duties is a manifest convenience to all their employers. To decree that lawyers should not be employed in our courts, would have the same effect as to forbid the agency of any person in any suit, except his own. This would be, in the first place, a most unnecessary abridgment of those rights which every man believes himself to possess; in the second place, it would be glaring injustice. It would be no less than giving fraud and cunning, an evident advantage over honesty and simplicity; and would deliver the rights and comforts of the obscure poor man to the mercy of overbearing wealth.— How should the honest farmer or mechanic, whose whole stock of information is circumscribed by the events of his native parish, defend himself against the encroachments of those, whom avarice has rendered both crafty and unfeeling? How should careless youth evade the toils of fraudulent manhood? How should unsuspecting innocence be secured from the insidious plots laid by cool malignity, or daring revenge? How unequal would be the contest between a man of education, talents, and acquaintance with the world, and his illiterate, and timorous antagonist? or between the powerful lord of a hundred manors, and his ignorant and depressed tenant? or the smooth, regular account which a designing villain may devise, and the broken, unconnected, mutilated, and some-

times inconsistent, stories with which honest men often disgrace and degrade the best of causes? How easy would it be for an astute litigant to terrify his unskillful neighbour into almost any compliance, rather than risk a contest with an adversary who had every advantage, and on ground full of snares and pitfalls which he could neither see nor avoid? To place the parties in a situation where the weak, the young, the simple, and the honest, would be obliged to oppose the designs, and detect the artifices of the strong, the experienced, and the unprincipled, and all this without any extraneous aid, would be, as the sages of the law have said in another case, *tradere agnos lupis ad devorandum*. It would be like expecting defence against a disciplined army, from a band of clowns hastily congregated with scythes and axes, and other rural implements in their hands. I know it is commonly said, that truth is consistent, and that falsehood detects itself. This is a just observation, no doubt, if it is meant to apply only to those cases where many facts concerning the same subject can be produced. But if it is intended, that on hearing a story we can tell whether it is worthy of credit, merely from the manner in which it is related, the observation is not just, as every day's intercourse with mankind will abundantly testify.

Nor ought it to be deemed a small convenience, that as business is now managed, every man can collect his debts, or get redress for his injuries, with the greatest facility, from those who owe him, or have done him wrong, not only in every part of his own country, but in many other distant

countries. This, however, would never be practicable, were there not a class of men devoted to this purpose, and known as the proper agents in such affairs. A difficulty in transacting business must operate as a hindrance to intercourse, so that the advantage which society derives from lawyers in this point of view, is by no means to be despised.

The influence which this profession has on political and national concerns should not be passed over in silence. To every reflecting mind it is as plain as reasoning and facts can make it, that no civilized people can be wisely governed without knowledge and ability in the rulers. No other men are under so good circumstances to become enlightened and able statesmen as those of the legal profession. Especially is this the case in a republican government, where no hereditary nobility is trained up on purpose to afford the state a competent number of great officers. The Clergy are more beneficially employed in the discharge of their proper functions. Physicians are employed in the chambers of the sick, or in studies of a cast entirely professional. Merchants are chained down to pursuits of a personal and circumscribed nature. The more laborious part of the community cannot possess leisure, and opportunities adequate to the formation of great statesmen.—Not that any class of citizens ought to be excluded; for wherever wisdom and talents appear, they have, as Edmund Burke says, "the passport of Heaven to office." But all the avocations of a lawyer seem unusually calculated to fit him for a public station. His habits of speaking, and his whole course of studies, are

favourable to this object. No pursuits tend more to render the intellect vigorous, active, and conscious of its powers, than those of the finished Lawyer. Lord Bacon advises those who wish to fix their attention, to study law, or the mathematics; Cicero denies that, in his day, a speaker could be entirely accomplished, till he had studied the civil law; and the illustrious English orator, whom I just now mentioned, and who has all the enthusiasm of eloquence for which Cicero is celebrated, declares that the "Law is the first and noblest of the sciences; a science which does more to quicken and invigorate the understanding, than all other kinds of learning put together." The learning of lawyers is not of that barren kind which is fit only for cloisters and colleges; it is equally adapted to daily use, and the demand of great and extraordinary occasions. Look over the list of the most influential statesmen which this country has produced, and consider what a striking deficiency would be seen, if our Adams, Johnson, Jay, Hamilton, Ellsworth, King, and other ornaments of the profession, were expunged.

### COKE.

[To be continued.]

### Dialogue.

#### VEDIUS POLLIO,\* MENIPPUS AND CHARON.

(*Menippus is seen at a little distance laughing immoderately.*)

*Vedius.* TELL me, good Charon, what is the name of that old fellow, whom you see there convulsed with laughter?

*Charon.* His name is Menip-

\* Vedium Pollio was a favourite of Augustus. He was wont to feed his fish with human flesh.

pus. He is an arch rogue: I know that from experience. For, when he first came down to Tartarus, he cheated me out of my Obolus, and, about a month since, he persuaded Pluto to let him revisit Earth, like Menedemus of Lampas, for the purpose of observing the vices and follies of men. He has just returned, and perhaps I shall have some trouble in getting him to cross the Styx; but, if he resists, I vow by the fair face of Proserpine, I'll seize his Philosophership by the nape of the neck, and stuff him into my knapsack.

*V.* He must be an arrant rogue indeed. But say nothing for the present, I wish to have a little chat with him. (*Approaches and calls him by name.*)

*Menippus.* Let me alone:—I have not yet laughed enough.

*V.* But let me share in your merriment.

*M.* Begone, or, shade as you are, I'll whirl you over the Styx.

*V.* I once thought you were a philosopher; but now I find you are nothing more than a man.

*M.* A Philosopher! and so I am. For though I was formerly an usurer at Thebes; yet I bore a tossing in a blanket, only two days ago, with the utmost patience, rather than not scold a Jew, for asking a penny more than he ought. But what do you want with me? and who are you?

*V.* I am Vedium Pollio.

*M.* (*Starts up and runs off a little distance.*) Vedium! Bless me, I hope you're not hungry.—Indeed, I'm too lean to be eaten. But stop, (*recovering himself*) I am but a shade, and you cannot eat air. Or, if you can, it must be in some new way, and that I should like to try for philosophy's sake.

*V.* Fear not, Menippus. Augustus, you know, destroyed my ponds and broke my crystals, and now I have no fish to feed.

*M.* Well, well. Speak fast.—I have no time to lose ; for I want to go and play Charon a trick, which I have just thought of.

*V.* Come, come. Don't be in a hurry ; for he swears by his doublet that he'll make you kiss Acco,\* if you give him much more trouble.

*M.* Nay ; by my periwig, I'd rather give up laughing altogether, than do that ; for the beldame has more angles than a polygon of fifty sides, and besides she frightened Cerberus into the bargain, when she first came down to hell.

*V.* Indeed ! I shall be afraid to look at her after this. How shall I avoid it ?

*M.* Only beware of going by that tub, which you see on the other side of the river ; for, as she was mad, old Charon turned out Diogenes, and put her in his place.

*V.* I thank you. But tell me why your risibility was so violently excited when I first saw you ?

*M.* I was laughing at the comical adventures, which I had met with on earth.

*V.* Pray let me hear some of them.

*M.* I have scarcely time : however, I'll comply with your wishes, so far as to tell you one.

*V.* Pray be brief ; for I see Apicius has just stolen a pie from one of the new-comers, and I must go to claim a portion.

*M.* The first place where I came out on earth, was at the

\* An old woman, who lost her senses on seeing her deformity in a mirror.

field of Stones.† This I soon left, and, by means of the arrow of Abaris,‡ found myself in an instant at Harlem. Here I met an old curmudgeon, whom I soon found to be a miser, and by the aid of my faculty of invisibility, amused myself with him in the following manner.—Entering his room, I first pulled off his nightcap, and while the meagre wretch looked up to discover the cause, with one hand I applied the candle to his beard, (for it seems he could not afford to shave,) and, with the other, snatched up his money bag. I then laid hold of him by the nose, with the tongs, and—(*Here Vediis runs after Apicius, who had nearly demolished the pie, and Charon comes hobbling towards Menippus.*)

*M.* Prithee, my good old fellow, let me help you along.

*C.* Avaunt, or by the majesty of my beard, I'll send you to Mother Nox, to make a *chicken* pie of you.

*M.* Egad ! I suspect she could not manage me.

*C.* Silence. Come along.

*M.* I can't. You stand before me.

*C.* No jesting. I've no time to lose.

*M.* Thus I'll spare you a few hours.

*C.* 'Sdeath ! This won't do.

*M.* Then something else will. I'll try to suit your taste.

*C.* I can't stand here talking.

*M.* Then *run* and be *silent*.

*C.* Here, you black miscreant, you Aristippus, fetch me Acco this way.

† At the mouth of the Rhone, where Hercules slew Albion and Bergian, the sons of Neptune, with a shower of stones.

‡ A Scythian, to whom Apollo gave an arrow on which he transported himself whithersoever he pleased.

*M.* By Jove, I believe she's coming. I say, good Charon, I'll follow you.

*C.* Peace, then, and obey my orders.

*M.* I do. (*They move along towards the River. In the mean time, Menippus puts a squib on each of Charon's shoulders. These blowing up, Charon in a fright plunges head over heels and falls on his back. Menippus running up, lays hold of his hair, pretending to help him up.*)

*M.* Truly, by the majesty of thy beard, friend Charon, thou art merry.

*C.* By Jove! I have not had such a fall since I was tripped up

by Dido, at Proserpine's wedding. But let me go.

*M.* Indeed, thou art in a sad pickle; for I see thou hast dirtied thy gala-day suit. I fear Pomona won't let thee kiss her any more.

*C.* (*leaving up*) Villain! no more palavering. Get into the boat.

*M.* Stop a little, let me brush your jerkin.

*C.* I'll bear with you no longer. (*Lays hold of him, and Menippus resisting, they both roll down the bank, into the River.*)

LUCIAN JUNIOR.

TO CORRESPONDENTS.

INVESTIGATOR will appear in our next.

Has SPINOZA forgotten his promise?

The Bower.

Sometimes

We bid bright Fiction to resemble Truth,  
And sometimes speak what Truth herself approves.

HES. THEOG.

FLIGHT.

O'ER the summit shines the morning,  
Mildly beams the trembling ray:  
Dewy drops, the beam reflecting,  
Gem the verdant garb of May.  
Then, the mountain, swift descending,  
Like Pasaic from its height,  
Crested helmets darkly waving,  
Warriors bend their course in flight.

Hark! a song—the song of danger,  
Hoarse and slow the numbers sound:  
Now a pause—a yell of anger,  
Distant hills the yell rebound.  
Through the vale a path pursuing,  
Toward yon gloomy wood they go—  
Hark! those mingled shouts and groans,  
See, they meet another foe!

Darkly rolls the wave of battle,  
Hark! a shout! the foe has fled:  
Now their hands, with slaughter gory,  
Scalp the dying and the dead.

ALPHA.

TO CHARLOTTE.

So artless thy grace,  
And so beauteous thy face,  
An Angel we think that we see:  
And if we may believe,  
What we daily perceive,  
All virtues are centred in thee.

PIGRAM.

A Farmer, who oft miss'd the rails of his fence,  
Accused his poor tenant of stealing them thence.  
T' accuse me of that, says the tenant,  
is cruel;  
I ne'er stole a stick on't, tho' freezing  
for fuel:  
And if I should carry home only one  
rail,  
My wife would return it; I ne'er knew  
her fail.

HOBB.